

R e m a r k s

In response to the Final Rejection of claims 1-12, 28-29, 32-33, and 36-47 under 35 U.S.C. §103(a) over Walker et al. in view of Haq et al., applicant hereby requests the Examiner to consider the Rule 131 affidavit that was filed with the above-mentioned paper no. 9 to overcome the Haq et al. reference as prior art.

In response to the Final Rejection of claims 13-24, 27, 30-31, 34-35, and 48-59 under 35 U.S.C. §103(a) over Walker et al., applicant requests the Examiner to reconsider applicant's traversal of the rejection that was made in the above-mentioned paper no. 9 in light of the following remarks.

In the Final Office Action mailed on December 4, 2002, designated as paper no. 8 in this case, the Examiner stated that:

"Walker does not explicitly disclose determining a value to the work item of being serviced by the resource, the value to the work item being a measure of how the work item is treated compared to other work items and treatment goals of the individual work item; and selecting a determined work item that has a best combined value of the business value and the value to the work item to be served by the resource. However, it is common in the art that the value to the work item being serviced by the resource is highest when the most qualified resource is assigned to the work item. For example, a task that needs a plumber would place the highest value on the expertise of the resource, or technician assigned to fix the plumbing. Therefore, it would be obvious to one of ordinary skill in the art to determine the value of the work item and select the best combined business and work item value to the job. One would be motivated to do this as this method selects the most skilled resource to work on the most difficult, or technically challenging, work item, or job." pp. 18-19

Applicant is unaware that "it is common in the art that the value to a work item being serviced by the resource is highest when the most qualified resource is assigned to the work item" or that "a task that needs a plumber would place the highest value on the expertise of the resource or technician assigned to fix the plumbing." Applicant therefore requests the Examiner to point out specifically where in the prior art such teaching may be found. In the absence of a definite source for such teaching, applicant respectfully suggests that the Examiner has failed to make a *prima facie* case of obviousness of applicant's claims.

Furthermore, in the Advisory Action, designated as paper no. 10 in the case, the Examiner asserted that the goal of the work item is to be worked on by the best possible resource and therefore the "value to the work item" represents a measure of treatment goals of the individual work item. But it should be noted that the claims require that "the value to the work item [be] a measure of how the work item is treated compared to other work items and treatment goals of the individual work item" (emphasis added). In other words, a measure of both parameters is required. To find a teaching of the former parameter in Walker et al., the Examiner asserted that "the work item has a value . . . [that] can be prioritized. Therefore the work item is compared with other work items. . . ." But this assertion is inadequate, because the claims require more than a mere comparison between work items; they require a value which is a measure of how the work item is treated compared to other work items. It is not seen how the priority of a work item is a value which is a measure of how the work item is treated compared to other work items. Nor is it seen how the priority of a work item also meets the other requirement of a value of the work item, namely, a measure of treatment goals of the individual work item. Nor does the prior art in general or Walker et al. in particular suggest combining the priority of a work item with its goal of being serviced by a most qualified resource to arrive at a value to the work item

that represents a measure of how the work item is treated compared to other work items and treatment goals of the individual work item.

For all of the reasons stated above, applicant respectfully suggests that the Examiner has failed to show that an equivalent of applicant's recited "value to the work item" may be found in the prior art.

Moreover, the Examiner will note that in the above-mentioned paper no. 9, applicant explicitly distinguished specific recitations of dependent claims from the disclosure of Walker et al. The Examiner has completely ignored these distinctions. Since it is up to the Examiner to make a *prima facie* case of obviousness, applicant respectfully suggests that by her silence with respect to these distinctions, the Examiner has failed in her burden and that these claims stand properly distinguished from Walker et al. and thus are not rendered unpatentable thereby.

The Examiner's rejections having been properly responded to and overcome, applicant respectfully suggests that the application is now in condition for allowance. Applicant therefore requests that the application be reconsidered and thereafter be passed to issue.

Although the foregoing is believed to be dispositive of all issues in the application, if the Examiner deems that a telephone interview would advance prosecution, she is invited to call applicant's attorney at the number listed below.

Respectfully submitted,

**J.A. Ford**

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